



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **December 2, 2019**, which reads as follows:*

“A.C. No. 10019 (CRISTINA R. FONTANILLA, complainant vs. ATTYS. SANTIAGO C. QUIAL and WINSTON M. GINEZ, respondents). – Lawyers in public office should be held to a higher standard of conduct because public office is a public trust. As such, lawyers in the government service must put aside their personal interests in order to competently carry out their mandate as public officers. Their failure to do so may be met with administrative sanctions.¹

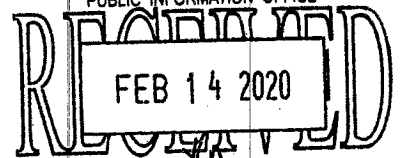
This resolves Cristina R. Fontanilla’s (Fontanilla) disbarment complaint² against Atty. Santiago C. Quial (Atty. Quial), and Atty. Winston M. Ginez (Atty. Ginez). Fontanilla claimed that Attys. Quial and Ginez used their positions in public office to influence the filing of charges of grave coercion and illegal detention against her. These acts allegedly violated Canon 1, Rules 1.01 to 1.03, Canon 6, Rule 6.02 and Canon 7, Rule 7.02 of the Code of Professional Responsibility.

Fontanilla stated in her complaint that on April 3, 2007, she saw Johann Fajarillo (Fajarillo) and Melanie Gabalfin (Gabalfin) posting several papers outside Mayor Wencesalo “Peewee” Trinidad’s (Mayor Trinidad) house, who then had Fontanilla as one of his secretaries. When asked about what they were doing, Fajarillo and Gabalfin said that they were serving a Petition for Disqualification filed by Punong Barangay Juanito Delmendo (Punong Barangay Delmendo) against Mayor Trinidad. Fontanilla invited the two inside to have Mrs. Nelfa Trinidad (Mrs. Trinidad) receive the Petition.³

¹ *Olaso v. Tinga*, 651 Phil. 290, 299 (2010) [Per J. Brion, En Banc]; *Bautista v. Ferrer*, A.C. No. 9057, July 3, 2019 <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65243>> [Per J. Peralta, Third Division].

² *Rollo*, pp. 2–19.

³ *Id.* at 5.



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TIME: 1:29 PM

Once inside, Fajarillo and Gabalfin were asked on who they were working for. Both answered that they were employees of the Office of the Ombudsman. However, when asked for their identification cards, Fajarillo only presented his Social Security Services ID, while Gabalfin claimed that she worked for a law firm. Mrs. Trinidad then allowed Gabalfin access to the house phone and requested that Gabalfin contact and have her office fax a copy of her ID to the house. After Gabalfin used the phone, another one of Mayor Trinidad's secretaries, Ann Loraine Moises, redialed the number called by Gabalfin, which was then answered by the Pasay City Administrator's Office. During that time, Atty. Quial was the City Administrator.⁴

Then and there, Fontanilla had Fajarillo and Gabalfin write down on a piece of paper their purpose for visiting Mayor Fontanilla's house, along with the name of their employer. Both allegedly maintained that they worked for the Office of the Ombudsman. Thereafter, Fontanilla confronted Fajarillo and Gabalfin with their supposed misrepresentation, but they merely kept silent. Before long, Police officers arrived to escort Fajarillo and Gabalfin to the nearest police station for questioning, with Fontanilla accompanying them to give her statement on the incident.⁵

Upon arrival at the station, Fontanilla saw that Attys. Quial and Ginez were already present. Atty. Quial then allegedly uttered: "*Melanie, anu ginawa sa iyo! Bawal na ba ngayon ang magdikit ng notice! [sic] Magkakaso kami ng illegal detention.*"⁶ Soon after, Attys. Quial and Ginez went inside Investigation Division Chief Simon Gonzales's room, where they stayed for "about an hour."⁷ Fajarillo and Gabalfin soon followed and entered the room after a few minutes.⁸

Despite having completed her sworn statement, Fontanilla was prevented from leaving the police station. She eventually found out that counter-charges were being filed against her, and was later arrested for allegedly threatening and illegally detaining Fajarillo and Gabalfin at Mayor Trinidad's house.⁹

Police Superintendent Simon Gonzales (Police Supt. Gonzales) recommended that the City Prosecutor file charges of Usurpation of Authority against Fajarillo and Gabalfin, as well as counter-charges of Grave Threats and Serious Illegal Detention against Fontanilla. Thus, Fontanilla

⁴ Id. at 5-6.

⁵ Id. at 7.

⁶ Id. at 8.

⁷ Id.

⁸ Id.

⁹ Id. at 9.

was detained at the police station overnight and underwent inquest proceedings the following day. She was able to post bail thereafter.¹⁰

In his Answer,¹¹ Atty. Quial denied that he used his official position to forward personal interests. He claimed that he was merely acting in service to a constituent by assisting Punong Barangay Delmendo in serving his petition for disqualification against Mayor Trinidad. He emphasized that he had no participation or interest whatsoever in the filing of the complaint being served by Punong Barangay Delmendo.¹²

Furthermore, on April 3, 2007, Atty. Quial alleged that he asked Fajarillo, one of his employees, to accompany Punong Barangay Delmendo to Mayor Trinidad's House. Gabalfin went along with them on her way to have lunch.¹³ Atty. Quial then alleged that he received a call for help from Gabalfin who claimed that she was detained against her will at Mayor Trinidad's house, and was later informed that both Gabalfin and Fajarillo were brought to the police station. At that moment, he decided to go to the police station to confirm what happened.¹⁴

At the police station, Atty. Quial allegedly saw Fontanilla and several of her supporters publicly announcing that Gabalfin and Fajarillo had misrepresented themselves as employees of the Office of the Ombudsman. He also noticed the presence of former Pasay City Attorney, Atty. Emmanuel Ramos (Atty. Ramos), whom he later learned was Fontanilla's counsel. Atty. Ginez later on arrived at the police station.¹⁵

Atty. Quial then asked permission from Police Supt. Gonzales to use his office to privately discuss the issue with Atty. Ramos to which Police Supt. Gonzales agreed. There, Atty. Quial, Atty. Ginez, and Atty. Ramos supposedly agreed to let the police investigation run its course. Atty. Quial then requested a private conference with Fajarillo and Gabalfin. The two (2) entered the office and informed Atty. Quial that they already secured the services of Atty. Rico B. Bolongaita (Atty. Bolongaita).¹⁶ Thus, Attys. Quial and Ginez returned to their respective offices.¹⁷

Atty. Quial denied influencing any of the police officers in the station into filing charges against Fontanilla. Rather, he claimed that Fajarillo and Gabalfin's counsel, Atty. Bolongaita, was the one who advised them to do

¹⁰ Id. at 10.

¹¹ Id. at 47-56.

¹² Id. at 49.

¹³ Id. at 50.

¹⁴ Id. at 51.

¹⁵ Id. at 51-52.

¹⁶ Id. at 52.

¹⁷ Id. at 53.

so.¹⁸ Further, Atty. Quial argued that he should not be held liable for the independent determination of probable cause found by the City Prosecutor.¹⁹

For his part, Atty. Ginez clarified in his Answer²⁰ that he had no knowledge of what transpired before Fajarillo and Gabalfin were brought to the police station. He merely visited the police station, which was close to his office at the Pamantasan ng Lungsod ng Pasay, when he heard that two (2) employees of the Office of the City Administrator were being investigated.²¹ Upon his arrival, he saw Fajarillo, Gabalfin, and Fontanilla waiting for their turn to be investigated. He also saw Attys. Quial and Ramos discussing. He later learned the antecedent facts from Atty. Quial.²²

Atty. Ginez attested that Police Supt. Gonzales was not in the room when he, Atty. Quial, and Atty. Ramos discussed the case inside Police Supt. Gonzales' office. Thus, Atty. Ginez denied influencing the investigation and eventual filing of charges against Fontanilla. Rather, Atty. Ginez joined Atty. Quial's position that the counter-charges were filed on the advice of Fajarillo and Gabalfin's counsel, Atty. Bolongaita.²³

Fontanilla filed a Rejoinder,²⁴ where she argued that Attys. Quial and Ginez admitted to facts clearly establishing their violation of the Code of Professional Responsibility. To reiterate, Atty. Quial admitted to ordering one of his employees to assist Punong Barangay Delmendo in serving a complaint that Fontanilla had nothing to do with. Serving the complaint was also beyond the scope of his functions as City Administrator. Thus, Fontanilla insisted that Atty. Quial "made use of his public office to promote his and other person's private interests[.]"²⁵

Fontanilla also argued that Atty. Quial's presence and participation in the police investigation created an "impression that he is using his position as City Administrator to influence the outcome of any case."²⁶ Atty. Quial admitted that he was not counsel for either Gabalfin or Fajarillo, hence, he had no reason to be present at the police station. The same was true for Atty. Ginez. Their intervention in the case allegedly elicited impressions that diminish faith in the legal system and in their integrity as lawyers, which merits their disbarment.²⁷

¹⁸ Id. at 53.

¹⁹ Id. at 54.

²⁰ Id. at 58-65.

²¹ Id. at 59.

²² Id. at 60.

²³ Id. at 61-62.

²⁴ Id. at 69-78.

²⁵ Id. at 71-72.

²⁶ Id. at 73.

²⁷ Id. at 76.

A mandatory conference was set for March 12, 2008,²⁸ but it was reset to June 4, 2008.²⁹ At the conference, Attys. Quial and Ginez manifested that they would file a formal Motion to Confront and Cross-Examine the Parties and their Witnesses at a formal hearing,³⁰ which they filed on June 11, 2008.³¹ This motion was ultimately granted,³² and hearings were held for the presentation of the parties' evidence.

Fontanilla filed her Formal Offer of Evidence on July 20, 2009,³³ with Attys. Quial and Ginez filing a Comment on July 24, 2009.³⁴ Fontanilla's evidence was admitted above the objections of Attys. Quial and Ginez.³⁵ Likewise, Attys. Quial and Ginez filed their Formal Offer of Evidence³⁶ on July 23, 2010, but Fontanilla failed to file a Comment. Thus, the evidence for respondents were admitted.³⁷ Fontanilla also failed to appear at the hearing set on June 26, 2010,³⁸ and failed to file her position paper upon direction of the investigating commissioner.

Thus, Investigating Commissioner Rebecca Villanueva-Maala (the "investigating commissioner") issued her Report and Recommendation³⁹ dated January 31, 2011, finding that while Fontanilla failed to establish her claims that Attys. Quial and Ginez influenced the filing of counter-charges against her,⁴⁰ the two (2) acted with political motives, and "used their public positions to promote or advance their private interests[.]"⁴¹ The investigating commissioner, thus, recommended that they be suspended for six (6) months for violating the Code of Professional Responsibility.

In its Resolution dated January 3, 2013, the Integrated Bar of the Philippines Board of Governors affirmed and adopted the investigating commissioner's recommendation, but modified the duration of the suspension from six (6) months to two (2) months.⁴²

On March 4, 2013, Fontanilla filed an Affidavit of Desistance with Motion to Dismiss⁴³ before the Commission on Bar Discipline. She stated that the evidence presented by Attys. Quial and Ginez convinced her to desist,

²⁸ Id. at 79.
²⁹ Id. at 118.
³⁰ Id. at 120.
³¹ Id. at 121-125.
³² Id. at 129.
³³ Id. at 194.
³⁴ Id. at 268-274.
³⁵ Id. at 282.
³⁶ Id. at 418-437.
³⁷ Id. at 942.
³⁸ Id. at 906.
³⁹ Id. at 941-949.
⁴⁰ Id. at 911-912.
⁴¹ Id. at 949.
⁴² Id. at 904.
⁴³ Id. at 928-930.

and that she filed the complaint while her judgment was clouded by the ongoing political campaign at that time.⁴⁴

On March 8, 2013, Attys. Quial and Ginez filed a Motion for Reconsideration.⁴⁵ Citing *Olazo v. Tinga*,⁴⁶ they argued that a requisite for a violation of Canon 6, Rule 6.02 is a transaction requiring the approval of the, the lawyer's government office.⁴⁷ They stated that since there was no transaction which involved the approval of the offices of either Atty. Quial as the "then City administrator of Pasay City[.]" or "Atty. Ginez as the then Acting President of the Pamantasan ng Lungsod ng Pasay City[.]"⁴⁸ they could not have violated Canon 6, Rule 6.02. Rather, their ultimate goal was to allegedly protect Atty. Quial's employees against Fontanilla's charges.⁴⁹

On April 15, 2013, the Board of Governors of the Integrated Bar of the Philippines issued a Resolution unanimously granting the Motion for Reconsideration of Attys. Quial and Ginez and dismissing the complaint.⁵⁰

The issue now before this Court is whether or not Attys. Quial and Ginez may be held administratively liable for their actions leading up to and during the investigation of Fajarillo and Gabalfin. Specifically, the complaint charged them with violations of Canon 1, Rules 1.01 to 1.03, Canon 6, Rule 6.02 and Canon 7, Rule 7.02 of the Code of Professional Responsibility.

Respondents did not violate Canon 1, Rules 1.01 to 1.03, and Canon 7, Rule 7.02. of the Code of Professional Responsibility.

Canon 1,⁵¹ Rules 1.01 to 1.03⁵² prohibit lawyers from engaging in "unlawful, dishonest, immoral or deceitful conduct[.]" from lending support to activities that undermine confidence in the legal system, and from encouraging suits with corrupt motives, respectively. Likewise, Canon 7,⁵³

⁴⁴ Id. at 929.

⁴⁵ Id. at 914.

⁴⁶ *Olazo v. Tinga*, 651 Phil. 290 (2010) [Per J. Brion, En Banc].

⁴⁷ *Rollo*, pp. 918-920.

⁴⁸ Id.

⁴⁹ Id. at 923.

⁵⁰ Id. at 938.

⁵¹ CODE OF PROFESSIONAL RESPONSIBILITY, Canon 1 provides:

CANON 1 — A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and for legal processes.

⁵² CODE OF PROFESSIONAL RESPONSIBILITY, Rule 1.01 – 1.03 provide:

RULE 1.01 A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

RULE 1.02 A lawyer shall not counsel or abet activities aimed at defiance of the law or at lessening confidence in the legal system.

RULE 1.03 A lawyer shall not, for any corrupt motive or interest, encourage any suit or proceeding or delay any man's cause.

⁵³ CODE OF PROFESSIONAL RESPONSIBILITY, Canon 7 provides:

CANON 7 — A lawyer shall at all times uphold the integrity and dignity of the legal profession, and support the activities of the integrated bar.

Rule 7.02⁵⁴ prohibits a lawyer from supporting the application or admission to the bar of “any person known by him [or her] to be unqualified[.]”

While these grounds for administrative liability were alleged in Fontanilla’s complaint-affidavit, nothing in the record supports a finding of respondents having acted with deceit or immorality, having supported malicious suits, or having endorsed a person’s admission to the bar despite their knowledge of his or her disqualification. At most, the complaint-affidavit made bare allegations that respondents influenced the police to file a complaint for illegal detention against Fontanilla. However, allegations are not proof.⁵⁵ Respondents are presumed innocent of the charges against them, and that they “have performed [their] duties in accordance with [their] oath.”⁵⁶ Without evidence to the contrary, the presumption stands.

However, a review of the evidence reveals that respondent Atty. Quial may be held liable for violation of Canon 6⁵⁷, Rule 6.02⁵⁸ of the Code for using his position as City Administrator to promote private interests. Canon 6, Rule 6.02 states that “[a] lawyer in the government service shall neither use his public position to promote or advance his private interests nor allow the latter to interfere with his public duties.”

Olazo v. Tinga,⁵⁹ which was cited in respondents’ motion for reconsideration, discussed the rationale behind Canon 6 of the Code of Professional Responsibility:

Since public office is a public trust, *the ethical conduct demanded upon lawyers in the government service is more exacting than the standards for those in private practice.* Lawyers in the government service are subject to constant public scrutiny under norms of public accountability. They also bear the heavy burden of having to put aside their private interest in favor of the interest of the public; *their private activities should not interfere with the discharge of their official functions.*⁶⁰ (Citation omitted; emphasis supplied)

⁵⁴ CODE OF PROFESSIONAL RESPONSIBILITY, Rule 7.02 provides:

RULE 7.02 A lawyer shall not support the application for admission to the bar of any person known by him to be unqualified in respect to character, education, or other relevant attribute.

⁵⁵ *Dr. De Jesus v. Guerrero III*, 614 Phil. 520, 529–530 (2009) [Per J. Quisumbing, Second Division].

⁵⁶ *Aba v. De Guzman, Jr.*, 678 Phil. 588, 599–600 (2011) [Per J. Carpio, Second Division].

⁵⁷ CODE OF PROFESSIONAL RESPONSIBILITY, Canon 6 provides:

CANON 6 — These canons shall apply to lawyers in government service in the discharge of their official tasks.

⁵⁸ CODE OF PROFESSIONAL RESPONSIBILITY, Rule 6.02 provides:

RULE 6.02 A lawyer in the government service shall not use his public position to promote or advance his private interests nor allow the latter to interfere with his public duties.

⁵⁹ 651 Phil. 290 (2010) [Per J. Brion, En Banc].

⁶⁰ *Id.* at 299.

The same case of *Olazo* enumerated the acts prohibited by Canon 6, Rule 6.02:

The above provision prohibits a lawyer from using his or her public position to: (1) promote private interests; (2) advance private interests; or (3) allow private interest to interfere with his or her public duties. We previously held that the restriction **extends to all government lawyers** who use their public offices to promote their private interests.⁶¹ (Citation omitted; emphasis in the original)

Here, respondent Atty. Quial repeatedly admitted that, as City Administrator of Pasay City, he ordered two (2) of his employees to assist Punong Barangay Delmendo in serving a Petition for Disqualification on Mayor Trinidad. While he initially denounced any interest or involvement in serving the Petition,⁶² he later claimed in his motion for reconsideration that he acted out of “a natural instinct to help a friend and a political ally in his cause for what he believes is a proper petition for disqualification.”⁶³

This admission reveals that respondent Atty. Quial acted in his own interest in assisting Punong Barangay Delmendo. The Office of the City Administrator is not tasked with the service of pleadings, and no law provides that an “immense public interest” would warrant the use of the office’s resources in order to assist a “friend” or “political ally.” Rather, respondent Atty. Quial lost sight of the fundamental tenet that “public office is a public trust[,]”⁶⁴ and that he had no proprietary right over the office’s resources.

Despite being the City Administrator, the employees of the office were not meant to be submissive to respondent Atty. Quial’s own political inclinations or objectives. By having two (2) employees carry out politically motivated acts, respondent Atty. Quial not only failed to uphold the mandate of his office, but also exposed his employees to suits that would not have otherwise been filed against them. Thus, respondent Atty. Quial should be held administratively liable for using his public office to advance his private interests.

There is no merit to respondents’ contention that, according to *Olazo*,⁶⁵ a violation of Canon 6, Rule 6.02 requires that “there must be a transaction requiring the approval of the government office of the lawyer who allegedly violated the said rule, or may be affected by the functions of the government office of the said lawyer”.⁶⁶

⁶¹ Id. at 300.

⁶² *Rollo*, p. 49.

⁶³ Id. at 920.

⁶⁴ *Olazo v. Tinga*, 651 Phil. 290, 299 (2010) [Per J. Brion, En Banc].

⁶⁵ 651 Phil. 290 (2010) [Per J. Brion, En Banc].

⁶⁶ *Rollo*, p. 919-920

In *Bautista v. Ferrer*,⁶⁷ this Court administratively sanctioned a Regional State Prosecutor for leveraging her public office to intimidate and collect on her debtor, even if she did not use her position to affect the outcome of a transaction pending before her office.⁶⁸ The respondent therein was still found to have violated Canon 6, Rule 6.02 for using her position of authority to intimidate and harass the complainant. Notably, *Bautista* suspended the respondent, citing the rationale behind Canon 6, Rule 6.02, as discussed in *Olazo*:

Accordingly, We ruled in *Olazo v. Justice Tinga* that "since public office is a public trust, *the ethical conduct demanded upon lawyers in the government service is more exacting than the standards for those in private practice. Lawyers in the government service are subject to constant public scrutiny under norms of public accountability.* They also bear the heavy burden of having to put aside their private interest in favor of the interest of the public; their private activities should not interfere with the discharge of their official functions."

Thus, while Ferrer had every right to demand the return of her investments, the appropriate course of action should have been to file a collection case against Bautista. But instead, *she chose to put the law into her own hands* by personally questioning Bautista, bringing her to the police station, and confiscating her personal belongings. To the Court, *Ferrer's acts evinces a certain vindictiveness, an undesirable trait in any individual, and as extensively discussed above, these actuations violated multiple provisions of the Code of Professional Responsibility.* Hence, Ferrer may have been in the government service for many years, but such fact may not extinguish her administrative liability.⁶⁹ (Citations omitted; Emphasis supplied)

Respondents would limit the scope of the rule despite the more stringent and exacting ethical standards imposed on lawyers in the government service. *Olazo's* discussion, citing *Huyssen v. Gutierrez*,⁷⁰ served to *expand* the definition of "private interest" to *include* "any transaction requiring the approval of [the lawyer's] office[.]:"

The first charge involves a violation of Rule 6.02 of the Code of Professional Responsibility. It imposes the following restrictions in the conduct of a government lawyer:

A lawyer in the government service shall not use his public position to promote or advance his private interests, nor allow the latter to interfere with his public duties.

⁶⁷ *Bautista v. Ferrer*, A.C. No. 9057, July 3, 2019, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65243>> [Per J. Peralta, Third Division].

⁶⁸ Id.

⁶⁹ *Bautista v. Ferrer*, A.C. No. 9057, July 3, 2019, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65243>> [Per J. Peralta, Third Division].

⁷⁰ 520 Phil. 117 (2006) [Per Curiam, En Banc].

The above provision *prohibits a lawyer from using his or her public position to: (1) promote private interests; (2) advance private interests; or (3) allow private interest to interfere with his or her public duties.* We previously held that *the restriction extends to all government lawyers who use their public offices to promote their private interests.*

In *Huyssen v. Gutierrez*, we defined promotion of private interest to *include* soliciting gifts or anything of monetary value in any transaction requiring the approval of his or her office, or may be affected by the functions of his or her office. In *Ali v. Bubong*, we recognized that private interest is not limited to direct interest, but extends to advancing the interest of relatives. We also ruled that private interest interferes with public duty when the respondent uses the office and his or her knowledge of the intricacies of the law to benefit relatives.⁷¹ (Citations omitted; Emphasis supplied)

Thus, contrary to respondents' theory, *Olazo* does not restrict Rule 6.02 to particular transactions handled by the erring lawyer's government office. Rather, it specifies that a lawyer in the public service who acts on private interests in such transactions may *also* be deemed to have violated Rule 6.02. This specificity does not lend propriety to respondent Atty. Quial's actions, and is, in fact, irrelevant to the charge against him. What remains clear is that respondent Atty. Quial used employees of his office to further his private interests, as aptly found by the investigating commissioner.

The same cannot be said for respondent Atty. Ginez, who was a mere spectator at the police station, and whose presence, while unnecessary, was not inappropriate. There was no showing that he used his public office to forward private interests or to influence the outcome of the investigation. The allegations that his position as Acting President of the Pamantasan ng Lungsod ng Pasay may have influenced the investigating officers is unsubstantiated. Other than complainant's assertions, there is no evidence on record that supports such a conclusion.

As to complainant's desistance, *Fuji v. Atty. Dela Cruz*⁷² teaches that a complainant's desistance in an administrative case is irrelevant to the case's purpose of determining "the fitness of a member to remain in the Bar."⁷³ Thus, such desistance is insufficient to cause the dismissal of the case:

Contrary to respondent's stance, Fuji's purported Affidavit of Desistance is not sufficient cause to dismiss this administrative complaint.

⁷¹ Id. at 131.

⁷² 807 Phil. 1 (2017) [Per J. Leonen, Second Division].

⁷³ Id. at 10.

This Court has previously held that proceedings of this nature cannot be "interrupted or terminated by reason of desistance, settlement, compromise, restitution, withdrawal of the charges or failure of the complainant to prosecute the same." The primary object of disciplinary proceedings is to determine the fitness of a member to remain in the Bar. It is conducted solely for the public welfare, and the desistance of the complainant is irrelevant. What will be decisive are the facts borne out by the evidence presented by the parties[.]⁷⁴ (Citations omitted)

The Board of Governors' dismissal of the complaint should, therefore, be set aside and the investigating commissioner's recommendation of imposing a six (6)-month suspension on Atty. Santiago C. Quial should be reinstated.

WHEREFORE, this Court resolves to **REVERSE and SET ASIDE** the Integrated Bar of the Philippines Board of Governors' Resolution No. XX-2013-437 dated April 15, 2013, which granted respondents' Motion for Reconsideration, and to **NOTE and AFFIRM** the findings of fact and conclusions of law in Investigating Commissioner Rebecca Villanueva-Maala's Report and Recommendation dated January 31, 2011. This Court likewise **NOTES and AFFIRMS** the Integrated Bar of the Philippines Board of Governors' Resolution No. XX-2013-22, dated January 3, 2013, with **MODIFICATION**.

Atty. Santiago C. Quial is **SUSPENDED** from the practice of law for a period of **six (6) months**, effective upon his receipt of this Resolution, and is hereby **WARNED** that commission of the same or similar acts in the future will be dealt with more severely. However, the complaint against Atty. Winston M. Ginez is **DISMISSED** for lack of merit.

Respondent Atty. Santiago C. Quial, upon receipt of this Resolution, shall immediately serve his suspension. He shall formally manifest to this Court that his suspension has started, and copy furnish all courts and quasi-judicial bodies where he had entered his appearance, **within five (5) days from receipt** of this Resolution. Respondent shall also serve copies of his manifestation on all adverse parties in all the cases he entered his formal appearance.

Let a copy of this Resolution be furnished to the Office of the Bar Confidant to be attached to Atty. Santiago C. Quial's personal record. Copies of this Resolution should also be served on the Integrated Bar of the Philippines for its proper disposition, and the Office of the Court Administrator for circulation to all courts in the country.

⁷⁴ Id.

SO ORDERED.” (Gesmundo, J., on official business.)

Very truly yours,

Misael DC Batt
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